IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7954 OF 2006

Ulhas Shankarrao Ghadge ...Petitioner

v/s

Mr Shankar Narayan Ghadge since deceased through heirs Smt Sulochana Ghadge and anr. ...Respondents

Mr A.M. Kulkarni for Petitioner.

Mr G.S. Godbole for Respondents.

CORAM : D.K. DESHMUKH J.

DATE : 6TH JULY 2007.

P.C. :-

1. Admittedly, the suit filed by the respondent out of which the appeal in which the impugned order has been passed, was instituted prior to the suit filed by the petitioner. There was no question of application of section 10 C.P.C. and therefore, the Trial Court has rightly rejected the application. Petition is rejected.

. Parties to act on the copy of this order duly authenticated by the Sheristedar / Private Secretary as true copy.

. Certified copy expedited.